

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARLOS VANEGAS,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

16-CV-09344 (PMH)

PHILIP M. HALPERN, United States District Judge:

On March 11, 2021, the Court instructed the Commissioner to file a letter by March 26, 2021 that would include, *inter alia*, an analysis as to whether the Court may dismiss this action *sua sponte* for Plaintiff's failure to prosecute under Federal Rule of Civil Procedure 41(b). (Doc. 23). On March 26, 2021, the Commissioner "request[ed] that the Court allow additional time for the parties to attempt to confer about the status and resolution of this case and for the agency to determine the proper procedure for completing the remand proceedings." (Doc. 24 at 3). On March 29, 2021, the Court granted the application and directed the Commissioner to file a status letter on April 26, 2021. (Doc. 25). Over a month later, no letter has been filed.

Accordingly, the Commissioner shall serve and file a letter by 5:00 p.m. on June 4, 2021: **(1)** providing an update regarding attempts to locate Plaintiff; **(2)** assessing whether the Court may dismiss this action *sua sponte* under Federal Rule of Civil Procedure 41(b); and **(3)** advising as to the Commissioner's position regarding the impact of the recent Supreme Court decision, *Carr v. Saul*, 141 S. Ct. 1352 (2021), on this case.

The Clerk of the Court is respectfully directed to mail a copy of this Order to Plaintiff.

Dated: White Plains, New York
June 1, 2021



PHILIP M. HALPERN
United States District Judge